

United States District Court For  
The Northern District of California

MOTION TO  
Amend Pleading

JUL 9 2008

U.S. District Court  
Northern District of California

FILED

JUL 9 2008

Kevin Brewer (AJR936)

V.S.

Alta Bates Summit

Case No. CV083149 (PR)

Medical Center (1)

Director of Hospital (2)

Chief of Surgery (3)

Dr Rebecca Yu (4)

Notice of motion  
And motion For  
Amended Pleading  
To Amend Complaint  
For punitive Damages

To the Honorable Court In the above  
Entitled action

Plaintiff may Alleged Lack of present  
Knowledge In pleading The amount of  
Special Damages In a Complaint Requests  
leave To insert these amounts In the

1 Complaint when they are Ascertained  
 2 *Hutter v. Freeman* (1951) 105 Cal App 2d 129  
 3 133 233P. 2d 65  
 4 Complaint must contain a demand for  
 5 Judgment for relief To which the  
 6 pleader Claims They are entitled  
 7 Important exceptions Must be made  
 8 definite by amendment  
 9 Plaintiff's loss was due to defendant's  
 10 wrongful conduct  
 11 These rules do not apply to a personal  
 12 injury or wrongful death action Because  
 13 amount of damages In those action can not  
 14 be stated In the Complaint  
 15 Personal amputation Without permission or  
 16 no consent  
 17 Professional Medical negligence  
 18 Physicians Medical Malpractice  
 19 Punitive Damages Despicable and willful  
 20 Breach of Contract / A Contract to perform services  
 21 fraud and malice and Oppression  
 22 Compensatory Damages  
 23 Special Damages  
 24 mental Suffering / Emotional Distress  
 25  
 26 Plaintiff will prevail Code Civ proc § 425  
 27 13(A) See code Civ proc § 425 (13)(B) Code Civ  
 28 proc § 425.13 See Ch 15

# Points and Authorities

- 1
- 2
- 3 Mathews V Diaz (1976) 426 US 67, 48 L
- 4 Ed 2d 478 96 S Ct 1883
- 5 §§ 62:268-62-271
- 6 1:236 Fed R Civ P 15(A)
- 7 1:237 Fed R Civ P 15(A), 15(B)
- 8 1:239 Fed R Civ P 15(A)
- 9 1:240 Fed R Civ P 15(b)
- 10 1:241 Fed R Civ P 15(A)
- 11 1:242 Fed R Civ P 15(A)
- 12 1:243 Fed R Civ P 15(A)
- 13 1:244 Fed R Civ P 15(A)
- 14 1:245 ~~F~~ Fed R Civ P 15(A)
- 15 1:246 Fed R Civ P 15(A)
- 16 1:247 Fed R Civ P 15(A)
- 17 1:248 Fed R Civ P 15(A)
- 18 1:249 Fed R Civ P 15(A)
- 19 1:250 Fed R Civ P 15(A)
- 20 1:251 Fed R Civ P 15(d)
- 21 1:232

## MOTION

- 22
- 23 amendment of pleading before trial with respect to
- 24 amount or nature of relief sought as ground for
- 25 continuance 56 A.L.R. 2d 650
- 26 necessity of leave of court To add or drop parties
- 27 by amended pleading filed before responsive pleading
- 28 is served under rules 15(A) and 21 of Federal Rules

Page four

1 of civil procedure 31 ALR, Fed 752

2  
3 Relief Sought  
4 Ten million + punitive damages  
5

6  
7  
8  
9 I declare under penalty of perjury  
10 That the foregoing is true and correct  
11

12  
13  
14  
15 Signed Jute \_\_\_\_\_ day of 21 \_\_\_\_\_ 2008  
16

17  
18  
19  
20  
21 Kerry Browne  
22 Plaintiff's Signature  
23  
24  
25  
26  
27  
28

Kevin Brewer  
AJR 936  
5325 Brader Blvd  
Dublin Ca 94568

(Court  
mail)

OAKLAND  
09 JUL 2008



USA 41

# CV 083149 SI (PR)

United States District Court for  
The Northern District of California  
450 Golden Gate Avenue  
San Francisco Ca 94102

JUL 9 2008

Richard L. McKinn  
Clerk, U.S. District Court  
Northern District of California

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